REMARKS

Claim 1-18 are pending. The specification has been amended. Now new matter has been added by way of the amendment. Reconsideration of the application is respectfully requested.

The specification has been objected to based upon the failure of the specification to comply with the preferred layout of a utility application. In response to this objection, Applicants have amended the specification to comply with the requirements set forth in 37 CFR 1.77(b). Therefore, reconsideration and withdrawal of the objection to the specification are in order, and a notice to that effect is earnestly solicited.

Claims 1-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over GB 2327175 ("*Knight*") in view of U.S. Patent 6,275,695 ("*Obhan*").

The invention relates to a method and system for charting the behavioural patterns of a user. In accordance with the claimed invention, at least one variable or a combination of variables of a telecommunication system, such as a mobile communication system, is defined, user specific information that corresponds to at least one variable of or a combination of variables is filtered from the information collected from the telecommunication system, and the users of the telecommunication system are divided into at least one class of behavior patterns (e.g., classified) based on the filtered user-specific information (see page 3, lines 15-21 of the specification).

In contrast, *Knight* relates to a method for operating a cellular radio communication network in order to increases the operating efficiency of the network (see pg. 1, lines 3-5). *Knight* (pg. 1, lines 26-35) states the method is provided to increase the utilization factor of a cellular network providing digitally encoded information, wherein the calls of each user are monitored and data relevant to times, destination and location of each user is used to form a user profile which is stored on a user database. Future call usage is calculated and thereafter speculative connections are made at times that are optimum, from an operator's perspective, in anticipation of future demand. However, *Knight* fails to teach the present claimed invention. That is, *Knight* fails to teach or suggest that the "users of [a] telecommunication system are classified on the basis of the filtered user-specific information" based on information collected from the system, as recited in independent claim 1.

The Office Action (page 4, ¶ 1) states:

Knight discloses a method for determining the behavior patterns of the users of a telecommunication system on the basis of information collected from the system (Pg.1; 26-35); characterized in that

at least one variable or a combination of variables of the telecommunication system is defied, (Pg.3; 16-24)

user-specific information corresponding to the defied at least one variable or a combination of variable is filtered from the information collected from the telecommunication syste, (Pg.3; 24-34) and

Knight fails to disclose the users of the telecommunication system are classified on the basis of the filtered user-specific information. However, Obhan teaches in an analogous art, that users of the telecommunication system are classified on the basis of the filtered user-specific information (Col.20; 5-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention to include users of the telecommunication system are classified on the basis of the filtered user-specific information in order to provide the operation that manage use of the available spectrum according to real time use of active subscriber.

With respect to the foregoing, the following is noted. The rejection of independent claim 1 and the dependent claims is a hindsight reconstruction based combination of "person-specific" and "system specific" features. *Knight* consistently discusses serving an individual client, along with recognizing the very specific needs of the individual client (see, for example, pg. 1, lines 29-32; pg. 2, lines 5-8, lines 23-26; page 5, lines 14-17). When discussing, e.g. network usage, *Knight* always attempts to identify a very particular web page that an individual user might want to download, or a very particular network-based service that the user might want to access (see pg. 2, line 20 thru pg. 3, line 8).

Knight fails to disclose the use of any language that would contain even the slightest suggestion to categorize such services or consider such service types. *Knight* fails to teach or suggest anything analogous to a "certain type of service" or a "web page belonging to a certain category". *Knight* only discloses a very specific, individually identifiable piece of information that would the system would require in order to provide the user with the information when it is required at a later point in time. Hence, for example, if a user "*NN*" has been observed to request a specific service at a particular time on Monday, Tuesday and Wednesday, the network disclosed in *Knight* may react by reserving the specific service for the use of user *NN* on Thursday, even before Thursday arrives and user *NN* makes the request on Thursday for the service.

As conceded by the Examiner, *Knight* fails to disclose the use of information collected from a telecommunication system to classify users, as recited in independent claim 1. This is apparent based on the failure of *Knight* to disclose the classification or categorization of anything. This is a direct consequence of the very individualistic approach of the method disclosed in *Knight*; that is, the entire system described therein seeks to serve the particular needs of an individual user of the system.

Obhan has been cited by the Examiner in an attempt to cure the deficiencies of *Knight*. *Obhan* relates to a system and method of operation for managing spectrum in a wireless communication system to maximize usage of the wireless spectrum and to meet system operator goals for servicing subscribers (see col. 1, lines 15-19). However, *Obhan* fails to cure the deficiencies of *Knight*. *Obhan* only teaches the monitoring of spectrum usage and the dynamic distribution of system capacity to voice users, data users, non-real time users etc. so that the available spectrum would be used efficiently (see col. 2, lines 22-32). Moreover, *Obhan* only seeks to manage the usage of spectrum at a system level, and fails to teach or suggest the consideration of the classification of users based on information collected from the telecommunication system, i.e., the observed behavior of the users. Rather, the classification disclosed in *Obhan* is based on characteristics that are previously known (static) from, e.g. subscriber contracts and similar fixed information (see col. 3, lines 10-15). A person skilled in the art would have no motivation to combine *Knight* and *Obhan*, because *Knight* is related to meeting the observed, <u>dynamically</u> changing personal needs of individual users, while *Obhan* is related to meeting the previously known, <u>fixed</u> (i.e., static), defined needs of user classes.

Knight is irrelevant to the invention recited in claim 1 of, i.e., solutions based on user classification and filtered user-specific information. *Obhan*, on the other hand, fails to disclose that the classification of users is based on observed behavior, i.e., information collected from the telecommunication system. There is therefore no motivation to combine *Knight* and *Obhan* as the Examiner has done. Assuming, *arguendo*, that a person skilled in the art would be motivated to combine the teachings of *Knight* and *Obhan*, the result would be a system in which the network would arrange the usage of available bandwidth according to static fixed information that is known about the subscribers (as disclosed by *Obhan*), and prepare specific, individually identifiable pieces of information for use by individually identifiable clients based on heuristic deductions made of observed regular behavior (as disclosed in *Knight*). Nevertheless, the system

defined by the combination of *Knight* and *Obhan* would still fail to teach or suggest the feature recited in independent claim 1 of "users of [a] telecommunication system are classified on the basis of ... filtered user-specific information" based on information collected from the telecommunication system.

Moreover, the specification (pg. 2, lines 26-34) states that the failure to combine system specific data with user specific data has been a disadvantage associated with the prior art methods. The invention recited in claim 1 is directed to obtaining the advantages associated with such as combining system specific data with user specific data. If such a combination would have been as obvious as the Examiner alleges, at least one author of the prior art publications should have considered it. This, however, has not occurred, which supports Applicants position that the claimed present invention is non-obvious. Accordingly, independent claim 1 is patentable over the combination of *Knight* and *Obhan*, and therefore withdrawal of the rejection under 35 U.S.C. §103 is requested, and a notice to that effect is earnestly solicited.

Independent claim 13 is the system claim associated with the implementation of independent method claim 1. Accordingly, independent system claim 13 is patentable over the combination of *Knight* and *Obhan* for the reasons discussed above with respect to independent method claim 1.

In view of the patentability of independent claims 1 and 13, for the reasons set forth above, dependent claims 2-12, and 14-18 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is requested.

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Respectfully submitted,

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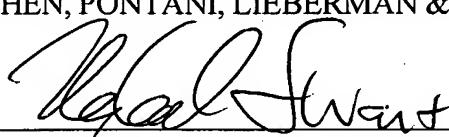
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